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SUBJECT: ICTR: AMBASSADOR WILLIAMSON DISCUSSES TRIBUNAL
CLOSURE, OTHER ISSUES WITH ICTR OFFICIALS

SUMMARY

¶1. (U) Ambassador-at-Large for War Crimes Issues (S/WCI), Clint Williamson, met with President Mose and other key officials at the International Criminal Tribunal for Rwanda (ICTR) and toured the United Nations Detention Facility in Arusha on March 7 and 8. Discussions centered on issues that could impact the ability of the Tribunal to complete trials as scheduled. (Note: Initial trials should be completed by the end of 2008 and appeals by December 31, 2010.) Among the key concerns of ICTR officials were: how to address residual issues upon the Tribunal's closure, how to build judicial capacity in Rwanda, and how to resolve outstanding issues concerning the transfer of files, cases, detainees, convicts, acquitted persons and the ICTR archives. Both Ambassador Williamson and ICTR officials acknowledged that all the questions raised required answers, preferably well before the Tribunal closes in 2008. End summary.

¶2. (U) While the March 8 and 9 discussions in Arusha raised more questions than yielded answers, Ambassador Williamson emphasized throughout that the USG is aware of the outstanding issues and ready to work with ICTR officials to resolve them. The Ambassador told President Erik Mose, Prosecutor Habbar Jallow and Registrar Adama Dieng that the USG is developing policy positions on the key issues and will confer with other Security Council members and ICTR contributors to reach consensus on these issues before the Tribunal's 2008 completion date.

ICTR President's Term Up in May 2007

¶3. (SBU) A central issue to keeping the ICTR'S completion strategy on pace is who will be at the helm as President of the ICTR. President Mose has played a key role in stepping up, and keeping up, the pace of trials and maximizing use of the Tribunal's four courtrooms. However, Mose's second term ends in May 2007 and an extension would require amending the statutes of the Tribunal, a potentially dangerous precedent for both the ICTR and its sister Tribunal, the International Criminal Tribunal for the former Yugoslavia. While Dieng commented: "You don't change a team that wins," Mose and Jallow were silent on how to address the fact that President Mose's term expires soon. None offered a suggestion on how to get around the term limit statute.

¶4. (SBU) Prosecutor Jallow said he plans a test case of a "Rule 11 bis" transfer to Rwanda in April with approximately 20 such transfers expected in 2007. Jallow and Mose discussed the plan to indict additional individuals for the purpose of preparing cases before transfer. Senior Trial Attorney, Barbara Mulveney, told Ambassador Williamson that if the indictments were canceled, files could be referred without going through the Chambers. Mulveney expressed the view that keeping the cases in the Tribunal's system is one method of prolonging the ICTR's existence. She noted that the judges who are deciding whether to transfer cases would themselves benefit from the Tribunal continuing past its scheduled time of closure in December 2008.

RPF Cases

¶5. (SBU) Regarding Rwandan Patriotic Front (RPF) cases, Jallow said he is focusing on two or three individuals and has asked his team to decide in April or May "whether we have cases or we don't" so that any announcement regarding the RPF cases could be made by June 2007. The Acting Assistant Registrar (name) suggested that the immediate transfer to Rwanda of any RPF indictments would help mitigate criticism from the Government of Rwanda (GOR).

Recommendations Sought

¶6. (SBU) Ambassador Williamson asked President Mose for specific recommendations regarding how to address residual issues once the ICTR is closed. Mose suggested that a residual body could be based in Kigali rather than Arusha. He also agreed with Ambassador Williamson that there would not be a need for a large forum of judges for the reviews and for "Rule 11 bis" referrals. Mose stressed that strengthening the judicial capacity of Rwanda needed to focus

on the high court, rather than building capacity in general, in order to ensure the ICTR cases were transferred to a court of international standards.

¶7. (SBU) Mose, Jallow, Dieng, and the GOR Representative to the ICTR, Alloys Mutabingwa, were all in agreement that relations between the Government of Rwanda (GOR) and the ICTR were good. However, the ICTR officials noted one specific area for improvement, namely, the need for a prompt response from the GOR to ICTR requests for security clearances of potential ICTR employees; the officials claimed that up to 20 such requests had yet to be answered. Mutabingwa, on the other hand, told the Ambassador that the GOR had answered all outstanding requests.

Comment

¶8. (SBU) Ambassador Williamson's visit to Arusha reassured ICTR officials that the USG is aware of their plight concerning the numerous important issues that need to be addressed and resolved as the Tribunal winds down. While much work remains to be done on many fronts--from case transfer and victim protection, to the standards of the Rwandan high court and the location of the ICTR archives--President Mose and other officials clearly appreciated the open and frank dialogue on with the Ambassador on what needs to be accomplished, as well as knowing that someone is listening to their concerns.

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